

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/3141	Case Officer:	Stefan Galyas
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 2 relating to planning application DM/25/1294 - To allow for the window to the ground floor WC to be enlarged further from what was previously approved.		
Site:	Idlehurst, Birchgrove Road, Horsted Keynes, Haywards Heath, West Sussex, RH17 7BT, ,		
Validation Date	8 Dec 2025	Overall Expiry Date:	1 Jan 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	29 Jan 2026
Target Date:	2 Feb 2026	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	29 Jan 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/3141

**Idlehurst, Birchgrove Road, Horsted Keynes, Haywards Heath, West Sussex, RH17 7BT,
Variation of condition no 2 relating to planning application DM/25/1294 - To allow for the window
to the ground floor WC to be enlarged further from what was previously approved.
Mrs Jane Burke**

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the proposed development.

SUMMARY OF CONSULTEES

Conservation Officer: *'Idlehurst is an unlisted period building located within the Birchgrove Conservation Area. Planning permission was recently granted for alterations and extensions to the house, a new greenhouse, and associated landscaping works. The current application is for an amendment to the approval to allow for a further enlargement of a window to the north-western side elevation, which serves a ground floor WC. The proposal is not considered to adversely affect the character or appearance of the property, or the wider Conservation Area.'*

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: No response received.

INTRODUCTION

The application seeks to vary condition 2 of the extant permission (DM/25/1294) to allow for the enlargement of a side (north-west) elevation, ground floor WC window.

RELEVANT PLANNING HISTORY

01/00437/FUL - Proposed replacement store building. Permission 09.04.2001.

DM/25/1294 - Construction of a single-storey side conservatory extension, a side kitchen extension, alterations to doors and fenestration, erection of a greenhouse, associated hard and soft landscaping and replacement driveway gates. Permission 30.07.2025.

SITE AND SURROUNDINGS

The application relates to Idlehurst, a detached three storey dwelling with a pitched roof and two chimney stacks to either side. The property occupies a corner plot location within a junction between Birchgrove Lane and Birch Grove. The dwelling is set within a verdant plot with ample garden amenity space which wraps around the north and west of the dwelling. There is an existing two storey and single storey outbuilding set to the north-west of the host dwelling on site. In terms of external materials, the existing dwelling is composed of facing brick and off white painted walls, tile hanging to dormer cheeks, plain clay roof tiles, lead flat roofs, timber sliding sash windows with glazing bars, solid timber doors and glazed double doors, post and rail timber fencing and five bar timber driveway gates.

With regard to policy constraints, the site is not located within a designated built-up area boundary. The site is also set within the Birch Grove Conservation Area and the High Weald Area of Outstanding Natural Beauty (AONB).

APPLICATION DETAILS

The application seeks permission, under section 73 of The Town and Country Planning Act 1990, to vary condition no. 2 of planning permission approved DM/25/1294.

Condition no. 2 of planning permission DM/25/1294 states that:

'The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application."

Reason: For the avoidance of doubt and in the interest of proper planning.'

The proposal would alter the previously consented scheme to enlarge the side (north-west) elevation ground floor window serving a WC.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation Development Plan Document (DPD) and the Horsted Keynes Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP16: High Weald Area of Outstanding Natural Beauty
DP26: Character and Design
DP35: Conservation Areas

Site Allocations DPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

Neighbourhood Plan

Horsted Keynes Neighbourhood Plan (Made May 2023)

Policy HK4: Maintaining Local Character and Good Quality Design
Policy HK5: Infill Development and Domestic Extensions
Policy HK6: Conserving Local Heritage
Policy HK9: The High Weald Area of Outstanding Natural Beauty

Mid Sussex District Plan 2021-2039 Consultation Draft

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the

Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPB1 - Character and Design

DPB3 - Conservation Areas

DPC4 - High Weald Area of Outstanding Natural Beauty

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (December 2024)

The National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 2, 8, 11, 39, 48, 131, 135, 139, 189, 207, 208, 209, 212-215, 219 & 220.

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72(1) - Special attention to be paid to preserving or enhancing the character or appearance of a conservation area.

High Weald Housing Design Guide (November 2019)

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- Impact on Character, Appearance and Heritage Assets
- High Weald AONB
- Impact on Neighbouring Amenities
- Biodiversity Net Gain

Impact on Character, Appearance and Heritage Assets

In terms of the impact on the Birch Grove Conservation Area, policy DP35 of the District Plan states:

"Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- o New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- o Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- o Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*
- o Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*

o Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;
o New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.

Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area."

Significance is defined in Annex 2 of the NPPF as "The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."

Paragraph 207 of the NPPF requires the applicant to describe the significance of any heritage asset affected. Significance is defined in Annex 2 of the NPPF as *"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."* The applicant has provided a Planning, Design and Access Statement which includes a Heritage Statement in support of the application and assesses the proposals impact on the relevant heritage assets. Therefore, this requirement of the NPPF is considered to have been met.

Paragraph 208 of the NPPF requires the Local Planning Authority to identify and assess the particular significance of any heritage asset that may be affected and take this into account when considering the impact of a proposal.

The Birch Grove Conservation Area, by virtue of its designation, is significant in heritage terms and this significance is likely to arise from its aesthetic (fortuitous) value and historical (illustrative) value.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraphs 212 - 215 of the NPPF states:

"212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy HK6 of the Horsted Keynes Neighbourhood Plan requires development proposals to preserve or enhance the special character and setting of the Birch Grove Conservation Area. A number of different features are also identified within the policy for proposals to have regard to within the conservation area. This includes:

- The small triangular green, around which the majority of the buildings are clustered away from the highway;
- The absence of through traffic resulting in a peaceful and attractive environment.

DP26 of the District Plan states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution'*

The Horsted Keynes Neighbourhood Plan states under Policy HK4 that:

All development should maintain the distinct local character and demonstrate good quality design. This means recognising the significance of the village setting, responding to it, and integrating with local surroundings and landscape context as well as the existing built environment and in particular:

- o achieving high quality design that respects the scale, bulk and character of existing and surrounding buildings; and*
- o ensuring proposals relate to established plot widths within streets where development is proposed, particularly where they establish a rhythm to the architecture in a street; and*
- o using good quality materials that complement the existing palette of materials used within Horsted Keynes; and*
- o demonstrating where possible innovation to achieve low carbon sustainable design (as per policy HK11); and*
- o adopting the principles of sustainable urban drainage, where applicable (as per policy HK12); and*
- o respecting the natural contours of the site and protecting and sensitively incorporating well-established natural features of the landscape including trees, species-rich hedgerows and ponds within the site; and*
- o providing sufficient external amenity space, refuse and recycling storage and car and bicycle parking to ensure a high quality and well managed streetscape.*

With regards to domestic extensions, the Neighbourhood Plan states under HK5:

Proposals for infill development and domestic extensions within the built-up area boundary will be supported where they comply with the following criteria:

- o the spacing between buildings reflects the character of the street scene (in the case of domestic extensions, the scale, height and form must fit unobtrusively with and be subservient to the existing building); and*
- o existing gaps between buildings which provide important views out of the village to the surrounding countryside (as referenced within paragraph 5.29 above) are retained; and*
- o materials are compatible with materials of existing/surrounding buildings; and*

o suitable access and on-site parking is provided without detriment to neighbouring properties; and
o there is no unacceptable harm to the amenity of adjoining residents in respect of access, noise, privacy, daylight, sunlight and outlook is retained.
o Preserving and enhancing heritage assets and their wider settings, including conservation areas, listed buildings and areas of archaeological interest (see also policy HK6).

The below assessment is made whilst being mindful of this guidance and having regard to the statutory duty of the Council, as the Local Planning Authority, to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area in accordance with the requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposed window alteration to the north-western elevation is considered to be a minor alteration to the previously consented scheme. In response to the development proposal, the Council's Conservation Officer commented that the enlargement of the window would not adversely affect the character or appearance of the property, nor the Birch Grove Conservation Area.

Accordingly, the development proposal is considered to conserve the special character and appearance of the Horsted Keynes Conservation Area and is considered to result in a neutral impact. As such, it is considered that the proposal would comply with Policies DP26 and DP35 of the Mid Sussex District Plan, Policies HK4, HK5 and HK6 of the Horsted Keynes Neighbourhood Plan and the relevant paragraphs of the NPPF.

High Weald AONB

The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CROW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CROW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'*. The Levelling-up and Regeneration Act (2023) amended section 85 of the CROW Act, to create a new duty on relevant authorities to *'seek to further the purpose of conserving and enhancing the natural beauty of the area' when discharging their functions in AONBs*. A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.

Policy DP16 of the District Plan requires proposals in the AONB to conserve or enhance natural beauty.

The Horsted Keynes Neighbourhood Plan notes among other matters in Policy HK9 that development proposals in the High Weald AONB should conserve and enhance in a manner appropriate to its scale, nature and location. Developments should respect the existing settlement pattern of the parish and use local materials.

Paragraph 189 of the NPPF is also relevant as it states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.'

In this instance, the proposal is considered to conserve the landscape quality of the AONB due to it being viewed within the existing established residential curtilage. As such, the proposal would comply with the requirements of Policy DP16 of the District Plan, Policy HK9 of the Horsted Keynes Neighbourhood Plan, all the requirements of the High Weald Management Plan and the NPPF.

Impact on Neighbouring Amenities

Policy HK5 of the Horsted Keynes Neighbourhood Plan states that proposals should not cause 'unacceptable harm' to adjoining neighbouring amenity whereas policy DP26 of the MSDP states that development should not cause 'significant harm' to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and

sunlight, and noise, air and light pollution. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect. Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, Policy HK5 of the Horsted Keynes Neighbourhood Plan is considered to take precedence and therefore the test in this instance is whether the development causes unacceptable harm to neighbouring amenities as outlined above.

Whilst the proposed window would be increased in size, this would be positioned at ground floor level and therefore limited in outlook. Furthermore, the proposed window would be set at a substantial distance away from the neighbouring properties at Stonecote and Joy Cottages to the north-west. It is therefore considered that the proposed window alteration would not give rise to an unacceptable overlooking impact.

Accordingly, the proposal is considered to comply with the provisions of DP26 of the Mid Sussex District Plan and Policy HK5 of the Horsted Keynes Neighbourhood Plan in terms of neighbouring amenities.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a householder application this development is exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

In conclusion, the proposal is appropriate in terms of design and will not negatively impact on the host dwelling, its immediate setting or the Horsted Keynes Conservation Area nor the High Weald Area of Outstanding Natural Beauty and will not result in harm towards neighbouring amenities.

The proposal will comply with Policy DP16, DP26, DP29, DP35 and DP37 of the District Plan, Policies HK4, HK5, HK6 and HK9 the Horsted Keynes Neighbourhood Plan, the MSDC Design Guide and the requirements of the NPPF.

Decision: Permission

Case Officer: Stefan Galyas